

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of : *7/15/96*
Kazumi SAKUMOTO : *Art*
Serial No. 08/493,979 : Group Art Unit - 2107 *#6*
Filed: June 23, 1995 : Examiner - Vit W. Miska
For: ELECTRONIC WATCH :
WITH PAGER : Docket No. S004-2991(RE)

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COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SUBSTITUTE REISSUE DECLARATION,
POWER OF ATTORNEY AND ASSENT OF ASSIGNEE

I, Kazumi SAKUMOTO, hereby declare:

1. That I am a citizen of Japan, residing at c/o Seiko Instruments Inc., 31-1, Kameido 6-chome, Koto-ku, Tokyo, Japan.
2. That I verily believe that I am the original, first and sole inventor of the subject matter which is claimed and for which I solicit a reissue patent on the invention entitled ELECTRONIC WATCH WITH PAGER, the specification of which was filed on June 23, 1995 as Application Serial No. 08/493,979.

3. That I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration.

4. That I verily believe that I am the original, first and sole inventor of the subject matter described and claimed in United States Letters Patent No. 5,297,118 issued March 22, 1994 for which I solicit a reissue patent, and in the specification thereof filed on June 23, 1993 as Application Serial No. 08/081,550.

5. That I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information which is material to the patentability of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56 and 1.175(a)(7).

6. That I verily believe the original patent to be wholly or partly inoperative or invalid by reason of claiming less than I had a right to claim in the original patent because none of the original independent patent claims 1-4 are directed to a timepiece comprising:

(a) a time keeper in order to display at least hours and minutes by means of hands surmounting a dial surrounded by a bezel;

(b) a receiver capable of receiving radio broadcast messages for seeking persons, reception being triggered by the composition on a telephone handset of one of at least two predetermined and distinctive calling numbers;

(c) a memory for storing set calls;

(d) an acoustic transducer for signalling at least the arrival of a message;

(e) a control arrangement including at least one stem fitted into a crown adapted to be manually actuated, and wherein at least the calling numbers are inscribed on the dial or the bezel in plain language or in coded form; and

(f) means being actuated so that at least upon reception of a message such is stored in the memory and at least one hand ceases its time indicating function in order to come to show the calling number emitting the message.

7. To correct this error in claiming less than I had a right to claim, new independent claims 5 and 6 have been added. Independent claim 5 is directed to a timepiece comprising:

(a) a time keeper in order to display at least hours and minutes by means of hands surmounting a dial surrounded by a bezel;

(b) a receiver capable of receiving radio broadcast messages for seeking persons, reception being triggered by the composition on a telephone handset of one of at least two predetermined and distinctive calling numbers;

(c) a memory for storing set calls;

(d) an acoustic transducer for signalling at least the arrival of a message;

(e) a control arrangement including at least one stem fitted into a crown adapted to be manually actuated, and wherein at least the calling numbers are inscribed on the dial or the bezel in plain language or in coded form; and

(f) means being actuated so that at least upon reception of a message such is stored in the memory and at least one hand ceases its time indicating function in order to come to show the calling number emitting the message.

Newly added independent claim 6 constitutes a revised version of independent claim 5 and is identical to claim 5 except that it omits the language "at least one stem fitted into a crown adapted to be manually actuated." The language "at least one stem fitted into a crown and adapted to be manually actuated" is an immaterial limitation not needed for patentability.

8. That the error in claiming less than I had a right to claim in the original patent arose through lack of appreciation of all aspects of the invention at the time the original patent application was filed, and then prosecuted to issue, and, as a result, the subject matter described in paragraph 6 above, and corresponding to claims 5 and 6, was not claimed as broadly as I had a right to claim.

9. That the error in claiming less than I had a right to claim in the original patent was discovered in July of 1994 by my attorney when he reviewed U.S. Patent No. 5,329,501 which issued July 12, 1994. The review of the '501 patent was conducted by my attorney who regularly monitors all U.S. patents which issue in the field of pagers, particularly timepieces provided with a pager function. During review of U.S. Patent No. 5,329,501, which is directed to a timepiece with a pager function, my attorney discovered that the subject matter of claim 1 of the '501 patent (corresponding to newly added independent claim 5 in this reissue application) is fully disclosed in the original patent and is broader than claims 1-4 of the original patent.

10. That the aforesaid error in the claims arose entirely through inadvertence, accident or mistake and without any deceptive intent on my part, or, upon information and belief, on the part of my attorneys.

11. That I hereby claim the foreign priority benefit under Title 35, United States Code, §119 of Japanese Patent Application No. 4-175312 filed July 2, 1992, a certified copy of which was filed during the pendency of Application Serial No. 08/081,550 which issued as United States Patent No. 5,297,118.

12. That I hereby appoint Bruce L. Adams, Registration No. 25,386 and Van C. Wilks, Registration No. 25,027 my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office in connection therewith, and request that all correspondence be directed to ADAMS & WILKS, 50 Broadway, 31st Floor, New York, New York, 10004, telephone number (212) 809-3700.

The undersigned applicant assents to this application for reissue of Letters Patent No. 5,297,118 for ELECTRONIC WATCH WITH PAGER, granted to me on March 22, 1994 and which issued to SEIKO INSTRUMENTS AND ELECTRONICS LTD., Tokyo, Japan, as assignee, and offers to surrender said Letters Patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that any willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent resulting therefrom.

Dated: _____, 1996

Kazumi SAKUMOTO

**ASSENT OF ASSIGNEE AND OFFER TO
SURRENDER LETTERS PATENT**

The undersigned certifies that it is the assignee of the entire right, title and interest in and to the aforesaid Letters Patent No. 5,297,118 by virtue of an assignment from its inventor, Kazumi Sakumoto, and hereby offers to surrender said Letters Patent. The assignment was recorded in the Patent and Trademark Office at Reel 6777, Frame 0898. The undersigned has reviewed all the documents in the chain of title of the aforesaid Letters Patent No. 5,297,118 and, to the best of undersigned's knowledge and belief, title is in the undersigned assignee.

The undersigned hereby assents to this application for reissue.

SEIKO INSTRUMENTS AND ELECTRONIC LTD.,
trading as SEIKO INSTRUMENTS INC.

By: _____
Nobumitsu Ueno

Title: General Manager
Legal & Intellectual Property Department

Date: _____, 1996